United Nations A/60/342

General Assembly

Distr.: General
8 September 2005

Original: English

Sixtieth session
Item 123 of the provisional agenda*
Review of the efficiency of the administrative and financial functioning of the United Nations

Contribution made by the Department of Management to the improvement of management practices, and time-bound plan for the reduction of duplication, complexity and bureaucracy in the United Nations administrative processes and procedures**

Report of the Secretary-General

Summary

The present report has been prepared in compliance with General Assembly resolution 59/275 of 23 December 2004, in which the Assembly endorsed the recommendations of the Committee for Programme and Coordination at its forty-fourth session (A/59/16).

The report deals with the recommendations requesting the Secretary-General to report on the contribution made by the Department of Management to the improvement of management practices, including measures to increase efficiency and productivity in the Secretariat. It focuses on improvements implemented by the Department during the period from January 2003 through June 2005.

The report also addresses the recommendations requesting the Secretary-General to develop a time-bound plan for the reduction of duplication, complexity and bureaucracy in United Nations administrative processes and procedures, including the adoption of a Secretariat-wide approach to streamline and automate them.

* A/60/150.

** The decision of the Office of the Under-Secretary-General of the Department of Management to combine the responses to the two related but distinct reporting requests contained in resolution 59/275 required additional revisions and delayed the submission of the present report.

05-48378 (E) 280905

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I. Introduction

1. Although numerous improvements in management practices have been fostered by the series of reform agendas promulgated within the Secretariat since 1997, the present report focuses on the contribution of the Department of Management to improved management practices that have been implemented and have produced results during the period from January 2003 to June 2005. The report highlights a selected group of measures that, separately or in concert, have effected a more efficient and/or productive approach to financial and administrative processes. The latter portion of the report addresses specific recommendations on administrative tasks, procedures and policies with a view to eliminating duplication and unnecessary and complex bureaucratic procedures and practices within all Departments and entities of the Secretariat. It also provides a review and update of the implementation status of the recommendations as of August 2005 and offers projected time frames for the final implementation of the measures.

2. It is hoped that the present report, considered together with reporting on accountability (A/60/312), and on the progress and impact of management improvement measures (A/60/70) will provide an overall view of the current effort to achieve a high standard of management performance in the Secretariat.

II. Contribution made by the Department of Management to the improvement of management practices

3. Measures that have changed the way the Secretariat does its business, day to day, so that staff members engaged in various processes are more productive or efficient in accomplishing their work, are presented below. Clients served by staff employing these measures are the beneficiaries of quicker, more reliable services, and they, in turn, become more efficient in carrying out their core tasks. In other words, many of the improvements reported below have generated productivity gains on both sides of the service encounter.

4. Information on improvements in management practices within the Department of Management are presented below. Offices away from headquarters have also significantly improved operations and services in recent years. A number of such measures, in various stages of implementation during 2004, are identified and discussed in the report entitled "Progress and impact assessment of management improvement measures" (A/60/70) also submitted under item 123 of the provisional agenda "Review of efficiency of the administrative and financial functioning of the United Nations".

5. The report focuses on concrete measures with a direct impact on productivity and efficiency. The measures are explained in functional terms so that their merits can be well understood. This approach has been taken because in recent intergovernmental debates the General Assembly has called for more complete detail in justifying the merits of various improvements and the Department concurs that its Secretariat-level reporting on improvement measures would benefit from fuller explanation. The report attempts to respond to questions such as "Why does this measure merit mention? How does it work in practice? What procedures did this measure replace? How is it an improvement — what is the evidence?".

6. The report does not cover upgrades in technological infrastructure of the Organization that are devoted to closing the gap with evolving technical standards or measures that principally support business continuity in the event of a catastrophe (such measures would prevent the collapse of mission-critical functions and mitigate the loss of productivity; however, their activation would be incident-triggered and they are not applicable to normal resources management). The report also excludes policy initiatives. While the Department of Management provides leadership and sets policy within the domains of financial and administrative management and, in that role, often creates the conditions for productivity gains, those gains can only be claimed by inference. For example, it has been the responsibility of the Department to provide practical guidance on delegation of authority. A working group directed by the Department examined the implications of the new policy, prescribed certain procedures and defined certain considerations that would aid in the implementation of the policy. This work is captured in a guidebook on the delegation of authority, issued in the third quarter of 2005. There are other areas of policymaking that, as they work their way into operations, can reasonably be inferred to produce productivity gains on an indirect basis. These areas are not addressed here.

7. The report also presents a series of profiles of the improved management practices, organized according to their functional areas: centralized support services; human resources management; and financial and budgetary management. Each profile describes the improvement and its implementation status, providing supporting facts or arguments to show that the improvement is in fact more productive or efficient and giving some indication as to how the measure fits into the overall strategy of improved practice.

8. In centralized support services, opportunities for process redesign can be vigorously pursued. Given the generic nature of some of the services, the practice of benchmarking against private sector practices has been beneficial. As shown in this report, services and processes in all functional areas can indeed be improved.

A. Improved management practices in centralized support services

1. Automated space management system

9. The automated space management system provides automated updating of office space floor plans, reconciling space entitlements with staff grade by means of real-time connectivity. The improved system manages and monitors space allocation more efficiently, as floor plans and occupancy data are now accessible to managers through the Intranet.

10. The system provides the layout of office space and other data related to the overall office environment. Any office can be viewed and a new location reviewed using the system. Square footage, population and support rooms are all elements of the data used by the system to program new space proposals. Recommendations are also modelled and evaluated through the system to provide advice on best value and use of space. These features have been and are currently being used successfully for major projects such as the projects concerning the United Nations Joint Staff Pension Fund (in which 140 staff members were relocated to 1 Dag Hammarskjöld Plaza), Department of Economic and Social Affairs, in which office space was reconsolidated for 740 staff members, and the Department of Safety and Security, in

which office space was expanded and reconsolidated for 360 security officers and 100 office staff.

11. The system has been fully implemented. As a result, moving services can be organized more expeditiously and projects depending on flexibly available office space can be implemented in shorter time periods. The initiative is in line with the report of the Secretary-General on the information and communications technology strategy (A/57/620), particularly in the focus area of e-management, as it has enabled decision-making and administrative processes to become more effective.

2. Automated asset management system

12. The automated asset management system tracks the inventory of non-expendable assets based on the Integrated Management Information System (IMIS) organizational identification number, linking them directly to the Departmental procurement process. As a result, the Organization is now able, for the first time, to track non-expendable assets at Headquarters throughout their useful life cycle, from procurement to disposal.

13. The System was implemented in June 2003. In partnership with all departments at Headquarters, the Facilities Management Service undertook the first complete physical inventory of non-expendable assets. An indicator of success is that over 300 property records custodians from 15 departments, including a focal point from each department, are participating in the project. By assigning value, tagging and tracking all such assets at Headquarters through their individual life cycles, there are direct benefits in assets control, accuracy of records and the standardization of reporting for accounting and insurance proposals. In addition, the system provides a basis for cost estimation to be used in future acquisition of equipment based on established industry standards, as well as the calculation of depreciation rates for specific equipment.

14. The system is client-driven and in line with the above-mentioned report of the Secretary-General, particularly in the focus areas of e-management and knowledge-sharing.

3. Vehicle usage monitoring system

15. The vehicle usage monitoring system (also referred to as "CarLog") is an electronic fleet management and security system for the fleet of vehicles at Headquarters. The system maintains records of designated driver, date, time, vehicle, speedometer reading and location. As a result, individual drivers can be matched with assignments, location, parking violations and accidents.

16. Prior to the implementation of the system, assignments were manually entered into a database for limited tracking purposes. The new system contains enhanced features that allow for the better management of vehicles. It also provides a detailed report for each driver for a specific time frame, which is used as a tool for evaluating the driver's performance in his/her annual performance appraisal reports.

17. CarLog was implemented in early 2003 and its use is now standard for all vehicles at Headquarters. In practice, vehicle monitoring results in fewer discrepancies regarding vehicular operations and reduced parking summonses. Viewed more broadly, CarLog increases the accountability of staff, reduces expenditures and represents an e-management approach to fleet management.

4. Requisition tracking system

18. The requisition tracking system is an online service request system, first implemented in March 2003. The system enables offices to submit their requests and monitor the progress in satisfying requirements for a comprehensive range of facilities management services that includes the provision of office space, construction and alterations, electrical installations, furniture and moving services. The prior practice was for the facilities management centralized help desk to receive service requests via telephone and log them in for assignment. Clients would have to call repeatedly for updates on the progress of the response to their requests. With the new system, calls to the help desk are limited to emergencies and for support on accessing and making effective use of the online system.

19. The system is client-driven and in line with the report of the Secretary-General on information and communications technology (ibid.). In addition, since requisitioning offices are able to monitor the progress of their service requirements online, the performance of the facilities management function can be continuously monitored, a feature that provides accountability.

5. Interagency systems contracts

20. The Task Force on Common Services at Headquarters, meeting in 2001 and 2002 (see A/60/70, para. 19), was influential in focusing the attention of senior managers on improvement opportunities that could extend the consolidated purchasing power of the Organization and advance greater sharing of marketplace information. Subsequently, a number of measures, some of which are noted below, have been implemented in this area.

21. The interagency systems contracts initiative allows full utilization of the purchasing expertise of a particular agency, enabling that agency to negotiate better prices on behalf of a group of agencies and to take advantage of economies of scale. The prior practice was for agencies to establish their own independent contracts for given commodities with vendors. This resulted in the loss of volume discounts and did not make effective use of existing expertise.

22. Over the last three years, interagency systems contracts have been developed and utilized for negotiating the purchase of a range of communications and information technology equipment, including desktop and laptop computers and monitors, software products, storage area network hardware and network servers. As this approach has proven itself, participating agencies have received many inquiries from other United Nations agencies requesting to become part of this network. The demonstrated benefits include a reduction in the cost of tendering and improved efficiency by eliminating individual tenders by agencies, thereby avoiding duplication of work. The implementation of interagency systems contracts fits well into the strategy of common use procurement, which effectively uses available resources and expertise in the system.

6. Global airline agreement for United Nations organizations, funds and programmes

23. In 2004, 37 United Nations organizations, funds, programmes and associated organizations joined together to negotiate a global airline discount agreement, which was successfully concluded with British Airways. Previous to the agreement, small

country offices of the United Nations and related organizations often did not have sufficient travel volume to obtain discounted airline tickets. As a result of this global leveraging, as of 1 March 2004, an agreement was put in place by which all offices, regardless of their size, could obtain discounted airline tickets directly from the airline. Their offices worldwide were made aware of this discount agreement. Any ticket issued under the agreement would be cheaper than regularly published airfares. This is a precedent-setting agreement, both for the vendor and the United Nations, and can serve as a model for future global airline agreements to leverage the air travel expenditures of the United Nations common system.

7. United Nations global marketplace

24. Launched in February 2004, the United Nations Global Marketplace is a website for registering potential vendors operated by 15 organizations within the United Nations system. The Global Marketplace allows vendors to submit an application for registration to a single site, thus eliminating the necessity of multiple applications. The site also helps the participating organizations to accumulate and share historical knowledge on vendor expertise and performance, thus supporting their decision-making. The Global Marketplace and its content is periodically updated to meet evolving requirements. Thus far, a direct benefit from the Global Marketplace site has been the reduction of the time vendors take to apply for registration with multiple organizations.

8. Strengthening network operations

25. A counterpart to improving productivity is preventing serious loss of productivity in daily operations. With the United Nations offices brought into a fully networked electronic environment and staff productivity largely dependent on reliable computer services, the safeguarding and continuous maintenance of computer systems has become critical to the Organization's mission. In this connection, the Department of Management has initiated a set of mutually reinforcing measures in the operations and maintenance of e-mail and the Secretariat's network, including screening for unsolicited or junk e-mail (spam), virus prevention, virus detection and countermeasures.

26. The United Nations Headquarters e-mail operation includes over 10,000 accounts and has nearly two dozen servers to maintain; e-mail is the most important enterprise-wide software application for the United Nations, affecting the vast majority of staff. The e-mail operation has been strengthened through two critical measures: (a) automated updates of the anti-virus software to all desktop computers, allowing the quick identification and removal of viruses; and (b) an anti-spam filtering facility, which removes most unsolicited and spurious incoming e-mail. The added reliability to the network and e-mail operations, combined with an extensive use of personal digital assistant devices, has allowed staff members to be connected and available regardless of their location. Both e-mail and network operations are client-driven and are building blocks of the information and communications technology strategy, providing infrastructure for knowledge sharing and e-management.

9. Improved information and communications technology risk management

27. A Secretariat-wide information and communications technology security risk management initiative has been fully implemented by the Department of Management at all major duty stations worldwide. This initiative was implemented to reduce the threats from spam and virus attacks and to minimize the hours of service downtime.

28. Previously, information and communications technology service delivery and operations were not explicitly assessed for threat and risk exposure, leaving them open to potential weaknesses that could result in the damage or loss of data and downtime in providing critical information and communications technology services.

29. The initiative resulted in an increasingly safer information technology operations environment and the more assumed availability of e-mail and network services. The establishment of this capability is in line with the report of the Secretary-General on the information and communications technology strategy. The initiative was conceived in the context of the security "building block" in support of advances in e-management, knowledge sharing and services to governing bodies.

10. United Nations Postal Administration

30. Through the issuance of stamps by the United Nations Postal Administration, the United Nations promotes its missions, mandates, goals and achievements and sustains a special relationship with the philatelic community. It is the only postal authority that issues stamps in three currencies, namely, the United States dollar, the euro and the Swiss franc. A turnaround project restructured its offices, re-engineered operations, evolved a definitive marketing strategy, designed better inventory management, introduced new products and revised pricing policy, thus making the United Nations Postal Administration a profitable undertaking.

31. The Postal Administration's customer base is predominantly serviced through mail order. The reorganization of European operations by their consolidation in Vienna led to major savings in staffing and resulted in better coordinated and efficient operations. New products were developed, some of which utilize overstocked stamps that were otherwise earmarked for destruction. A new marketing strategy has reversed the shrinking customer base, which has increased by over 4 per cent since the beginning of 2004. All of these measures were intended to reduce expenditure, minimize inventory build-up and increase productivity and profitability.

32. At this point, the reorganization of the offices has been successfully completed. The marketing strategy will continue to evolve and will be adjusted in response to changes in demands and requirements. Through June 2005, the Postal Administration posted a profit of over $2.25 million. In order to tap into new markets worldwide, the Postal Administration is in the final stages of testing a fully integrated e-commerce website, which is scheduled to be operational by the end of 2005.

11. Access of United Nations peacekeeping missions to the Integrated Management Information System

33. Since 2004, all missions, within the limits of their delegated authority, have been using IMIS for human resources administration of international staff and plans are being prepared for the implementation of human resources administration for local staff.

34. Concomitant with the extension of access were efforts to increase the number of hours IMIS is available to online users in different time zones and, on average, the system has been available between 2.5 and 3 hours longer every business day. Personnel actions are being recorded with improved timeliness and the distribution of work has improved the overall efficiency of human resources administration. Personnel sections in the field mission offices enter the information directly in IMIS, replacing the previous practice of preparing data locally for transmission to Headquarters for entry, a practice that not only added to the time consumed, but increased the risk of error. Furthermore, human resources officers in the field missions now have on-line access to information about staff members' entitlements, their implementation in the system and post management, allowing the Department of Peacekeeping Operations to provide better services to its staff. This measure, which is a part of the strategy to streamline processes and make fuller use of information technology, is a step towards the harmonization of human resources processing in the field and simplifying the monitoring of international staff by the Department of Peacekeeping Operations.

B. Improved management practices in human resources management

1. EarthMed

35. EarthMed is a web-based software that combines an occupational health and safety system with the electronic maintenance of medical records. EarthMed has been customized to improve the delivery of health care and medico-administrative services to staff and administration of the United Nations and its funds and programmes worldwide. The system is designed as a common platform that ensures instant accessibility of all United Nations medical personnel to a comprehensive database at all times. Re-engineering and the simplification of processes are achieved by consolidating all the information collected, generated and processed and by eliminating duplicate entries and redundant activities.

36. The system fixes or minimizes such problems as non-integrated and inefficient databases, the excessive use of paper documents, the inability of concurrent users to share information and "waiting/lost time" owing to the inefficiencies of manual access to medical records.

37. In terms of the current functioning of the system, the modules implemented include demographic statistics, immunizations (essential for the clearance of staff scheduled for mission deployment), incident reports, the management of sick leave certifications, the granting of medical clearances and advice on compensation claims and special dependency benefits.

38. In terms of geographic coverage, the system is currently available in New York, at the Economic Commission for Latin America and the Caribbean, and at the United Nations Office at Geneva. Plans are in place to implement in the United

Nations Office at Nairobi, the international tribunals and the remaining regional commissions.

39. Productivity is boosted through higher access speed and enhanced accuracy by reducing human intervention. Accountability is increased by the system's ability to trace every action performed to its source. This management improvement initiative shows linkage to several areas of the Secretary-General's programme for reform, including the creation of technological opportunities for sharing knowledge and extending the use of the Internet, building an expanded and enhanced common services platform and simplifying processes and rules.

2. Generic job profiles project

40. The generic job profiles project contributes to a streamlined vacancy announcement system through the creation of a global database containing preclassified generic job profiles, vacancy announcements and evaluation criteria. The measure simplified the preparation of vacancy announcements, which can now be developed through reference to a generic job profile rather than written as unique detailed job descriptions. The previous method required the preparation of a lengthy job description, analysis by two classification officers and approval by two senior officers of the Office of Human Resources Management.

41. Since the implementation of this project, approximately 80 per cent of the positions in the Secretariat have been covered by generic job profiles. The remaining positions are considered to be too specialized or unique to be described in a standardized organization-wide format. The feedback from programme managers and staff in general is positive. In addition to comprising a more streamlined and simplified process for those tasked with human resources duties, generic job profiles are also available to staff online, enabling them to see the competencies that would be required of them in other positions.

3. Human resources data reports

42. The Office of Human Resources Management has developed a set of standard data reports that clients can generate from a dedicated human resources website. This reporting tool enables the preparation of customized reports on geography, gender, mobility, age and selection decisions. The system replaces the previous manual and laborious creation of ad hoc data reports by facilitating the creation of report templates that can be used on a recurrent basis.

43. The system's innovative capability has enabled the Office of Human Resources Management to expand the pool of reports and meet the growing demand for data reports, both in terms of number and type. The new system meets client needs, minimizes duplication of effort and promotes a standardized approach to meeting human resources information demands.

4. Performance management: improvements in the Electronic Performance Appraisal System

44. The Electronic Performance Appraisal System (e-PAS), the electronic tool employed to make the process of holding staff accountable for their performance more efficient and timely, represents an enhancement of the original performance appraisal system that was introduced after extensive consultations throughout the

Secretariat. The revised e-PAS system takes into account the core values and competencies of the Organization, self-assessment by staff members, managerial competencies (for supervisory staff to provide an assessment of their supervisory skills), strengthened links between performance management and career development and enhanced accountability measures, such as the inclusion of a section for staff to comment on supervision received.

45. The e-PAS system is a technological as well as a substantive innovation. It has been the first United Nations application for staff members delivered globally over the Internet, with even small duty stations and recently established political and peacekeeping missions having full participation. Its development required the creation of the first directory that allows staff to use United Nations applications over the Internet on a secure basis. As a result, since its launch, many other computer applications can be delivered to staff on a global basis, using the same user registration and password. The registration process links the individual staff members' Integrated Management Information System record with his/her e-mail address, allowing the automatic transmission of information from United Nations applications to individual staff members by e-mail and the publishing of human resources information in electronic format. The e-PAS system also, for the first time, gathered all performance appraisal data into a single database, allowing supervisors to view the status of staff members' appraisals at one glance.

5. Online confirmation of dependency status

46. In keeping with elimination of paper forms and the inefficiencies of linear, "file and wait" processing of personnel transactions, the Office of Human Resources Management has created a form for the online confirmation of dependency status (form e-P.84), which enables staff members to review, edit and confirm their dependency status online. The form is expected to eliminate the need to raise separate personnel actions in IMIS, as is currently the case, and to facilitate self-certification, with accompanying accountability. The Office of Human Resources Management is planning to expand the pilot project to Bangkok and to some peacekeeping missions in the last quarter of 2005.

6. Human resources action plans

47. Not all measures in human resources management involve process improvement; some represent critical changes in strategic management functions. The human resources action plans provide a biennial framework for departments and offices to implement and evaluate their performance against the Organization's legislative and other mandates. The plans also constitute a compact between the heads of departments and offices and the Assistant Secretary-General for Human Resources Management and enable departments and the Office of Human Resources Management to monitor progress towards achieving established human resources management goals and targets.

48. Human resources action plans have become a major accountability tool. In 2003, the General Assembly requested the Secretary-General to hold department heads accountable for the implementation of their plans. In 2005, the monitoring of the implementation of human resources action plans became a mandate for the newly established Management Performance Board. A website allowing departments and offices to self-monitor by reviewing their relevant human resources

management data and indicators, designed for monthly updating, is scheduled to be implemented by the end of 2005.

C. Improved management practices in budgetary and financial management

1. Linkage of the 2006-2007 budget with the biennial programme plan

49. The Office of Programme Planning, Budget and Accounts of the Department of Management has improved a number of practices in the budget process, banking procedures and capacities, financial reporting and financial services to staff. A fundamental and much desired change has been accomplished with the linkage of the 2006-2007 budget with the biennial programme plan.

50. The proposed programme budget for the biennium of 2006-2007 is the first to be submitted under the arrangements for aligning the plan and budget periods approved by the General Assembly in resolution 58/269. The shortened plan period has facilitated the alignment of resources with objectives and accomplishments approved by the Assembly for the two-year period.

51. In terms of results achieved thus far, the formulation process of the budget proposals has been greatly facilitated by the alignment of the plan and budget periods. With a synchronized cycle of two years for both plan and programme budget, there is no need for differences in the presentation of objectives, expected accomplishments and indicators of achievement. Because the logical frameworks in the programme budget are identical to those in the biennial programme plan, the time required to prepare the proposed programme budget has been reduced. The synchronized cycle has also obviated the need for the Committee for Programme and Coordination to review the programmatic aspects of the proposed programme budget, since the programme narratives are identical to those contained in the biennial programme plan. It is anticipated that by synchronizating two-year cycles for the plan, the budget outline and the budget, transparency and accountability will be enhanced.

2. Intranet support to budgeting

52. United Nations system-wide access and dissemination of pertinent budgetary information through its Intranet, through the maintenance of electronic repositories of selected official documents, has facilitated quick access to vital budgetary information, including budget documents, planning documents, regulations and rules, guidelines on results-based budgeting, standard costs and allotment account codes.

53. Prior to the implementation of the new Budget Information System, a great deal of work was required to forward instructions by e-mail to each separate office. Submissions received from each office were manually formatted and uploaded to the mainframe before any budget officer could analyse the data. Since 2004, budget instructions are now posted directly on the Intranet. Departments, offices away from Headquarters and the tribunals can access the Intranet for instructions, preparation and submission of their budget proposals. Budget officers can log on and review the submissions at any point during their preparation and are now able to provide timely feedback to client offices.

3. Treasury banking project to assist peacekeeping missions

54. The Secretariat's treasury banking project to assist peacekeeping missions was launched in 2004 and addressed local bank charges, cash transport and insurance. The goals of the project have been to improve the cash transportation and storage policies and procedures at missions; to implement new payment systems; to train mission staff in treasury procedures and policies; and to implement a model banking agreement between missions and local banking institutions. The treasury assisted the United Nations Organization Mission in the Democratic Republic of the Congo, the United Nations Interim Administration Mission in Kosovo, the United Nations Mission in Sierra Leone, the United Nations Iraq-Kuwait Observation Mission and the United Nations Observer Mission in Georgia in 2003 and 2004, accomplishing these goals for each mission, and plans to assist five more missions in 2005 and 2006.

4. Society for Worldwide Inter-bank Financial Telecommunication

55. The United Nations joined the Society for Worldwide Inter-bank Financial Telecommunication to maintain secure, reliable and robust global communication links with banks to send payment instructions, execute payments and receive transaction data, such as account balances. By using the Society, the United Nations no longer needs to rely on the proprietary payment systems of individual banks, avoiding maintenance of multiple payment systems in-house and over-reliance on a single bank for the Organization's payment needs. Currently, the treasury uses the Society, which has 22 banks globally, to execute non-United States dollar payments and cross-border United States dollar payments. Full implementation of the improved disbursement function will occur when the interface between IMIS, the Operations Processing Integrated Control System[1] and the Society is completed. The replacement of paper vouchers thanks to the participation of the Society has already led to significant savings and enhanced security.

5. Final consolidated financial statements

56. In the area of financial reporting, the use of automation techniques has improved the review and consolidation of data in final consolidated financial statements. The preparation of consolidated financial statements had previously required manual entries for the insertion of data from offices away from headquarters. Automation has shifted work away from data gathering and inputting and allowed more time for the review and verification of accounts, thus improving efficiency and accuracy. Under the old system, the preparation of individual general trust fund statements was a semi-automated process. Full automation has saved time by generating a first draft, which can be the basis for further review and adjustments, as required, in preparing the final individual statements. In addition, the use of automation techniques can be used not only to produce individual statements but also combined statements for all the general trust funds.

57. The new methods have helped to improve the quality of financial statements by freeing up more time for analytical reviews and have enabled staff to meet all critical reporting deadlines and cope with an increased workload.

6. Client orientation in accounting and payroll services delivery

58. A new one-stop client service centre has provided United Nations staff and retirees with a single focal centre for the dissemination of information and resolution of all payroll, tax, insurance, after-service health insurance and related entitlement issues. Given the multi-functional design of the centre, clients can address multiple issues efficiently in a single visit.

59. In the area of payroll, as at February 2005, the monthly e-mail delivery of staff members' electronic pay slips was enhanced to provide additional useful information, including notifications of past due travel and education grant claims, recoveries from salary scheduled for the next pay period and rental subsidy grants that are about to expire. Staff members are now in a better position to promptly file claims documents.

60. The Office of Programme Planning, Budget and Accounts is also providing access to the tax and insurance web pages to clients away from Headquarters through the Intranet. Improvements in the Intranet site have resulted in fewer in-person visits and inquiries by telephone and the communication of the most current information quickly and consistently to all parties concerned.

III. Review and implementation status of the efficiency measures for the reduction of duplication, complexity and bureaucracy in the United Nations administrative processes and procedures

61. By his note of 4 August 2003 (A/58/211), the Secretary-General transmitted to the General Assembly the report of the Office of Internal Oversight Services on the review of duplication, complexity and bureaucracy in United Nations administrative processes and procedures.

62. In its report, the Office of Internal Oversight Services recommended that the Secretariat should:

(a) Automate the travel process to provide staff with an electronic travel request form interfaced with IMIS and an electronic travel claim form, which would use data available in the system;

(b) Streamline the travel process, exempting the claims procedure for travel that did not deviate from the authorized itinerary;

(c) (i) Further automate the processes for rental subsidy, education grant and dependency allowances to provide staff with access to their personal details and electronic forms for applying for entitlements;

(ii) Implement an employee self-certification, with a mechanism for the random checking of supporting documentation for rental subsidy and dependency allowances;

(d) Identify an Organization-wide application for procurement, which would be used at Headquarters, offices away from Headquarters and peacekeeping missions;

(e) Implement an information security and data privacy policy, with administrative instructions making electronic authorizations acceptable for approval and certification;

(f) Implement a central project registry for computerized systems.

63. Section III of the report provides a review and update of the implementation status of the recommendations as at August 2005. In accordance with the request of the Committee for Programme and Coordination, it also offers projected time frames for the final implementation of these measures.

A. Automation of the travel process

64. The goal of the electronic travel request form is to build an interface between IMIS and the travel agent's system to facilitate ticketing and invoicing for tickets, as well as to create an electronic travel request form.

65. To fully automate the process, it is necessary to create an electronic interface from the user's desktop to each Department's executive office. A multi-user group was convened, including the Office of Internal Oversight Services, the Accounts Division of the Office of Programme Planning, Budget and Accounts, the Executive Offices, IMIS and the Travel and Transportation Section to discuss the necessary policy and procedural changes. A bridge is being built between the Travel and Transportation Section and the travel agents through an IMIS interface. General work has been undertaken in this respect in 2005.

66. The electronic travel request form project has been given priority status by the IMIS User Group, which includes representatives from the concerned departments. A six-month development phase is anticipated, to be followed by a three-month testing phase before the system is presented. A pilot implementation by June 2006 is foreseen.

B. Streamlining of the travel process

67. In order to further streamline the electronic travel process, efforts have focused on the completion of the design phase for the electronic travel claim system, incorporating the latest IMIS improvements to the travel processing modules as well as workflow and process improvements. The necessary changes to IMIS are being tested and are expected to be implemented in the last quarter of 2005.

68. It is expected that the system changes will be completed and implemented on a pilot basis by the end of 2005 with further testing and modifications in 2006 prior to an Organization-wide launch.

C. Further automation of the processes for rental subsidy, education grant and dependency allowances and implementation of employee self-certification

69. A "My UN" Intranet portal for staff members of the Secretariat, which provides a single point of access for human resources activities such as vacancy application, emergency contact recording and dependency benefits application, was

deployed during the fourth quarter of 2004. An e-authentication system, which enables the Office of Human Resources Management to provide information from IMIS to staff members accessing the "My UN" portal, was deployed in the first quarter of 2005.

70. An Office of Human Resources Management and Department of Peacekeeping Operations task force on education grant policies and procedures met throughout 2003 and promulgated, in June 2004, an administrative instruction on education grant entitlements (ST/AI/2004/2). The new administrative instruction has succeeded in simplifying the criteria for admissible expenses. Furthermore, a new information circular (ST/IC/2005/25) was promulgated on 12 May 2005 to reflect the changes introduced by the administrative instruction. A list of inadmissible expenses has been drawn and is part of the guidelines for all offices worldwide and accessible through the electronic Human Resources Handbook.

71. The development of automated tools for rental subsidy, education grant, designation of beneficiary and personal address change is under way. These tools are intended to allow staff to provide information online that would be reviewed by the Office of Human Resources Management and, if approved, processed in IMIS, with due approval and certification action recorded in IMIS.

D. Identification of an Organization-wide application for procurement

72. In order to facilitate data exchange between Headquarters and the peacekeeping missions, the Procurement Service has been working with the Department of Peacekeeping Operations to develop a common procurement management system. Once such a system has been developed, the exchange of data will be possible on a real-time basis via the Internet, thus improving the efficiency and oversight of the Secretariat's global procurement activities.

73. A document setting out the goals of this initiative has been finalized and the development team has completed the definition of objectives, scope and work plan. The team has also collected the necessary user requirements.

74. The Department of Management will prepare a high-level business case[2] for this project for submission to the Information and Communications Technology Board Project Review Committee by the end of 2005. Upon completion of the review, a timetable for the High-Level Business Case will be prepared that will determine which solution will be adopted to implement a new Organization-wide application for procurement for Headquarters, including integration with IMIS.

E. Implementation of an information security and data privacy policy

75. The bulletin of the Secretary-General entitled "Use of information and communication technology resources and data" (ST/SGB/2004/15) published on 29 November 2004, defines the proper use of information technology and related resources and data and ensures the security and technical integrity of the Secretariat systems.

76. Automated tools are being designed for the processing of a number of staff entitlements, which will allow staff to provide information online. The staff submissions will be reviewed by the Office of Human Resources Management and, if approved, processed in IMIS, with due approval and certification action recorded in IMIS.

F. Implementation of a central project registry for computerized systems

77. The e-Assets system of central project registry has been implemented and has been available on the Intranet since August 2003. In October 2004, the technical and substantive functions data definitions were changed in order to better align them with industry best practices. By December 2004, the data in e-Assets had been modified to reflect these changes.

78. With the completion of this system, an inventory of information and communication technology initiatives throughout the Secretariat is now available online to all managers who need an information and communication technology system. This enables them to explore whether an existing system can be used to fulfil their need as is or with some adaptation. More importantly, the inventory of information and communication technology systems is used by the Project Review Committee to ensure that new information and communication technology initiatives being reviewed by it are not duplicating existing systems. All new information and communication technology initiatives throughout the Secretariat are reviewed by the Project Review Committee, which recommends to the Information and Communication Technology Board whether or not such initiatives should be approved. Thus, the e-Assets system allows the Secretariat to avoid duplication of effort and ensures that existing systems are fully utilized.

IV. Conclusion

79. **The General Assembly may wish to take note of the present report.**

Notes

[1] OPICS is the software used by the Treasury to record, process, monitor and report on all of the transactions (foreign exchange/investments, etc.) that it carries out.

[2] The preparation of a high-level business case is a legal requirement stemming from Information and Communications Technology Board policies, United Nations budget instructions and the administrative instruction on information and communication technology initiatives (ST/AI/2005/10).

United Nations A/60/343

General Assembly

Distr.: General
9 September 2005

Original: English

Sixtieth session
Item 73 (e) of the provisional agenda*
Human rights questions: report of the United Nations High Commissioner for Human Rights

Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of the technical assistance in the field of human rights

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the United nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of the technical assistance in the field of human rights, submitted in accordance with the request of the Commission on Human Rights expressed in the statement of the Chairperson of the sixty-first session entitled "Technical cooperation in the field of human rights in Afghanistan".

* A/60/150.

05-48562 (E) 220905

Summary

Although many of the benchmarks in the Bonn Agreement have been achieved, the human rights situation in Afghanistan remains of great concern, much of it attributable to the security situation and weaknesses in governance. Factional commanders and former warlords remain major power brokers, and the activities of anti-Government entities and of the Government and international forces combating them continue to take a toll on civilians. Rule of law is emerging only slowly, with reform in the justice sector patchy and impunity often prevailing. Further progress needs to be made in the building of robust State institutions. Rights of suspects, women, children, persons with disabilities, returnees and other vulnerable groups require determined efforts if they are to be effectively protected.

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I. Introduction

1. The present report is submitted pursuant to the mandate established by the Commission on Human Rights at its sixty-first session through the Chairperson's Statement entitled "Technical cooperation in the field of human rights in Afghanistan" (see E/2005/23, chap. I.B). It encompasses my findings on the human rights situation in Afghanistan and reports on the achievements of technical assistance in the field of human rights, particularly with respect to building national capacity. Technical assistance is provided by my Office and other United Nations entities and is described throughout this report.

2. The Office of the High Commissioner for Human Rights (OHCHR) works closely with its field counterpart in Afghanistan, the Human Rights Unit (HRU) of the United Nations Assistance Mission in Afghanistan (UNAMA), and this report was prepared in close cooperation with the human rights officers from that unit. UNAMA-HRU has its headquarters in Kabul with nine international and national staff members while 13 international human rights officers, with national staff support, are spread out in the eight UNAMA regional offices, which are in Kabul, Jalalabad, Mazar-i Sharif, Gardez, Herat, Bamiyan, Kandahar and Kunduz.

3. Observations were made, research was conducted and consultations were carried out with various international and national human rights actors in Afghanistan, including related governmental agencies and departments, the various units in UNAMA, particularly the rule of law and gender units, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP), the United Nations Development Fund for Women (UNIFEM), the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF), the United Nations Office on Drugs and Crime (UNODC), the World Health Organization (WHO), the Afghanistan Independent Human Rights Commission (AIHRC), and various non-governmental organizations (NGOs).

4. In preparing this report, consideration was given to the findings and recommendations made by the previous independent expert on the situation of human rights in Afghanistan. All of the concerns highlighted in the Secretary-General's recent report on the situation in Afghanistan and its implications for international peace and security (A/60/224-S/2005/525) bear heavily on the human rights situation in Afghanistan. During my visit to Afghanistan in January this year, I acknowledged the many steps towards meeting the goals of the Bonn Agreement in the past three years, but also recalled the need for Afghanistan to continue making bold strides in the area of human rights.

5. While it is recognized that much significant progress has taken place towards building a more democratic nation through the near-completion of the political transition as envisioned in the Bonn Agreement, including a new Constitution and an elected President, the fragile security situation continues to overshadow many of the successes and, together with corruption, hinders many of the efforts to establish, rebuild and reform vital State institutions.

6. Despite some successful disarmament of both the former Afghan Military Forces and illegal militia, a great deal remains to be done. Issues of impunity and accountability remain major concerns. Little progress has been made to date towards bringing to account those most responsible for serious human rights violations

during the decades of conflict, some of whom remain in positions of influence if not authority. In addition, violations continue to be perpetrated with apparent impunity by armed strongmen in many parts of the country.

7. The security situation continues to present a great challenge to the promotion and protection of human rights in Afghanistan. Threats to national security include the continued power of factional commanders and the activities of armed anti-Government entities. The escalating conflict in recent months has resulted in the killing of numerous civilians, including pro-governmental figures and progressive mullahs, as well as electoral candidates and workers, people involved in mine clearance and other humanitarian actors. Reports of human rights violations have been received concerning some of the activities undertaken by national security agencies and international forces, including those of the Coalition Forces, in dealing with such threats and anti-Government activities.

8. Reform in the justice sector has progressed more slowly than hoped for, impacting on the fair and effective administration of justice. The human rights of women and children, although improved, remain a matter of great concern. Given the context in which the Government is tackling a plethora of political, social and economic challenges, the problems of minority and marginalized groups appear at risk of being at the bottom of the list of priorities.

9. Many parts of the country are inaccessible either due to security concerns or poor infrastructure, or both, leading to the isolation of the Afghan population in these areas and making it difficult for human rights actors to monitor and offer protection. In the urban areas, more economic and social activities, and greater freedom of movement, expression and religion may be observed, leading to rapid population growth without the corresponding infrastructural support.

10. Due credit must nonetheless be given to the Government for its efforts under difficult circumstances to build a democratic society that respects the human rights and freedoms of all Afghans, with the support of the international community. The positive impact of the work undertaken by AIHRC is commended. Other national actors, including local NGOs, remain hampered by a lack of capacity and financial and technical support.

II. Rule of law and the administration of justice

11. Afghanistan's formal justice system has, over the past two years, become more functional following training, infrastructural developments and some key legislation. However, it continues to suffer from severe and systemic problems. The justice system still requires structural reform, more qualified and committed officials, adequate legal education, and the necessary administrative tools and physical infrastructure to administer justice fairly and effectively.

12. The absence of strong State institutions, corruption, the ominous influence of warlords and local commanders, and the failure to ensure a secure environment for courts, judicial personnel, victims and witnesses also continues to undermine the capacity of the legal system. All these contribute to the low level of public trust and confidence in these institutions. The lack of adequate detention and correctional facilities and the widespread illegal detention of individuals, especially women and children, continue to raise serious human rights concerns. In rural areas in

particular, customary law and traditional justice mechanisms remain dominant as citizens do not yet have access to State justice institutions.

A. Reform process

13. Improving the rule of law and instituting the fair and impartial administration of justice in Afghanistan require significant and coordinated action and investment. Fundamental institutions, including the Supreme Court and the Office of the Attorney General require reform so that they are able to perform, professionally and independently, the crucial functions they are given in the Constitution. This reform should give impetus and direction to improvements in the structure and functioning of the lower courts and other components of the justice system.

14. Leadership of the reform process has shifted away from the Bonn-mandated Judicial Reform Commission to the Supreme Court, the Office of the Attorney-General and the Ministry of Justice (MoJ). These justice institutions have recently developed a collaborative and productive relationship institutionalized in the Justice Sector Consultative Group (JSCG), chaired by MoJ. Through JSCG, supported by UNDP and UNAMA, a comprehensive National Justice Strategic Framework, entitled "Justice for All", is being developed, building on previous initiatives, which will form the basis of future reform efforts and donor investments.

15. Positive steps towards creating a sustainable flow of qualified and committed personnel into the justice sector have been taken through programmes carried out by the Judicial Reform Commission Law Graduates Training Programme and with the establishment of the Judicial Education and Training Committee within the Supreme Court. The reform of law enforcement institutions is ongoing.

16. Since inadequate justice infrastructure, resources and communications remain a serious concern, the international community continues to assist by providing urgent resource requirements such as computers and vehicles and projects to reconstruct and refurbish justice buildings. MoJ and the Office of the Attorney-General have made progress in restructuring themselves and introducing merit-based recruitment with the objective of improving the quality of the public services they deliver through the Priority Reform and Restructuring Process.

17. The Government has also made a commitment to resume its obligations to report on ratified international human rights treaties after a long hiatus. A treaty reporting project is being implemented whereby an international technical adviser will work in Afghanistan with national staff in the Ministry for Foreign Affairs to advise and assist the Government with its initial reports and to help build permanent reporting capacity within the Afghan administration.

B. Legislation

18. It remains essential to align justice-sector activities under national laws that conform to international human rights standards and to ensure the implementation of norms in the administration of justice that promote and safeguard the rule of law for all without discrimination. Progress has been made in the adoption of essential legislation. Recently, the Law on the Organization and Jurisdiction of the Courts, as well as the new Juvenile Justice Code and the Law on Prisons and Detention Centres

were passed after an extensive period of consultation with the United Nations and donor agencies. Dissemination and implementation of laws are problematic and a series of seminars and training activities are ongoing, organized by UNODC, UNICEF and the Italian Justice Project together with MoJ.

19. The application of the 2004 interim criminal procedure code has been particularly problematic. Although a number of extensive training programmes for judges, prosecutors and police have taken place over the last year in relation to the new law, procedures relating to the investigation, arrest and detention, charging, trial and imprisonment of individuals are rarely adhered to. There is ample evidence that the statutory limits on length of detention and other fundamental safeguards such as the right to legal representation are seldom applied.

20. Although the Constitution and the interim criminal procedure law require the legal representation of indigent defendants, the absence of a strong independent bar and human rights lawyers and of an effective State-funded legal aid system acts as a significant impediment to safeguarding the rights of accused persons and to providing the necessary legal representation for vulnerable groups.

C. Customary law

21. Most Afghans, especially in rural areas, rely on traditional justice mechanisms, although customary law is not part of the formal legal system. Customary law in Afghanistan varies widely by region but significant procedural and conceptual similarities exist throughout the country, particularly the reliance on respected community members, who are trained neither in national law nor in sharia. Despite the positive elements of community and tribal cohesion and accessibility found in traditional mechanisms, there are serious concerns about how women and children are treated. UNDP has launched its European Community-funded Access to Justice at the District Level Project which will seek to enhance the ability of mainly vulnerable groups to access justice, including by addressing the unacceptable elements of traditional justice through increased human rights and justice awareness and skills for religious and community leaders, media campaigns, and education and rights-awareness in schools.

D. National security versus rule of law

22. The necessary balance between maintaining national security and safeguarding human rights which is required in any democratic society is challenged in Afghanistan. The Coalition Forces, special units of the Afghan security agencies, in particular the National Security Directorate (NSD), and the police, have reportedly acted outside the rule of law by engaging in arbitrary arrests and detentions and abusive practices, sometimes amounting to torture. NSD continues to run detention centres with no adequate judicial oversight and very unreliable access granted to the International Committee of the Red Cross (ICRC) and AIHRC. National Security prosecutors and judges do not challenge violations of due process rights committed against persons arrested and detained by NSD.

E. Rights of suspects and those in detention

23. There is continued concern over the lack of due process accorded to suspects. Arbitrary and prolonged pre-trial detention remains frequent throughout Afghanistan. Torture appears to be a common practice in order to secure confessions.

24. Afghanistan continues to be burdened by detention facilities that do not conform to recognized international standards. Although some prison reconstruction is under way through the efforts of UNODC and donors, more resources are required to keep pace with the ongoing reforms within the justice sector. The introduction of the Prisons and Detention Centre Law on 31 May, which incorporates international human rights standards, was an important accomplishment, defining safe, secure and humane detention practices.

F. Illegal detention

25. Military commanders and other local authorities continue to operate private prisons for detaining individuals, usually over land disputes. Based on information provided by AIHRC, the Government has closed down about 36 of these illegal detention facilities. In Laghman, a man from Kunduz was illegally detained in a commander's private prison for four months and was reportedly tortured on a regular basis. Police in the northern district of Faryab have reported that a commander and former district governor severely beat a group of teachers and detained them in his private jail. Where there are no local detention facilities, women accused of crimes are also placed in "private detention", usually in the house of the head of a village, where they are treated as prisoners and forced to work for the family. Further, local authorities have also used official prisons as their own private prisons. It is not uncommon to visit a prison and discover that not all the prisoners have been officially registered. Individuals have been reported to be detained without charges for the purpose of extortion; in one specific case, an individual was detained for two years.

G. Treatment of detainees by Coalition Forces

26. Coalition Forces (CF), particularly in the context of night operations involving forced and violent entry into homes, have provoked community protests. On 26 July at least 1,000 demonstrators outside Bagram Air Base north of Kabul protested the arrest of eight men suspected of anti-Government activities in a nearby village.

27. In other cases, individuals who were captured and later released with no charges have reported abusive acts by CF, including being handcuffed, hooded, earmuffed and roughly handled while being transported to detention facilities. Others have objected to the destruction and theft of their property, forced nudity upon arrival, extended periods of isolation, sleep deprivation, a particularly harsh and arbitrary detention regime, and the inability to communicate with their families other than through an ICRC-administered exchange of censored correspondence.

28. So-called enemy combatants remain in indefinite incommunicado detention without formal charges and are unable to challenge the basis of their detention.

29. On 22 May, UNAMA issued a public statement urging CF to make public without delay the measures that have been taken to eradicate mistreatment and improve conditions of detention. The statement also calls for a role for the Afghan judiciary in ensuring that detainees enjoy the protection of the law and encourages access by AIHRC to detention facilities.

30. Recently, CF implemented a number of initiatives to address these issues and since the beginning of July 2005 detainee releases have been processed through the Government's reconciliation programme *Takhim-e Solh*. Those who participate must pledge to renounce violence and support the Government. Approximately 200 individuals have participated in the programme thus far. In July the United States reached an agreement with the Government to transfer Afghan nationals to the exclusive custody and control of the Ministry of Defence. AIHRC has expressed some concern over the ability of Afghan law enforcement agencies to deal with these detainees according to the law as well as the issue of independent access to detention facilities.

III. Transitional justice

31. A notable feature of the transition in Afghanistan is the failure thus far to effectively tackle impunity, either for past or current crimes. Many Afghans complain that armed strongmen continue to dominate their local communities.

32. In Afghanistan, the difficulty of breaking with the past should not be underestimated, especially because elements of previous regimes and armed groups continue to exert influence on the political environment. However, during 2005, some promising steps have been taken towards a long-term, comprehensive strategy that, if implemented, will address the needs and recognize the rights of victims, serve justice and achieve reconciliation.

33. Following receipt by President Karzai of the AIHRC report "A Call for Justice" in January 2005, his advisers, in collaboration with AIHRC and UNAMA, developed an action plan to implement a national strategy for transitional justice. The plan includes five mutually reinforcing elements: public symbolic measures to acknowledge the suffering of victims and families, institutional reform, truth-seeking and documentation, promotion of reconciliation, and the establishment of meaningful and effective accountability mechanisms. Importantly, the plan states that in accordance with international standards there will be no amnesty for war crimes, crimes against humanity and other gross human rights violations and that there will be no impunity for perpetrators of the most serious crimes.

34. The draft plan was discussed at a conference held in The Hague on 6 and 7 June 2005 attended by the Foreign Minister of Afghanistan and other senior Government officials, as well as representatives from other Governments, AIHRC, OHCHR and UNAMA. The Government is commended for undertaking this open consultative process. Members of the international community expressed strong support for the plan, including for the view that it should be implemented as a whole, with the elements being mutually reinforcing.

35. The United Nations will support efforts by the Government to tackle impunity and deal with the terrible legacy of past armed conflict. Any transitional justice mechanism must be carried out with the active and meaningful participation of all

national stakeholders. Special attention must be given to ensuring the active participation of women in the process. UNAMA holds regular meetings on transitional justice with NGOs and other members of civil society.

36. Some of the suggested actions begin with proposals for further consultation on the idea of a truth-seeking and reconciliation mechanism. In this context my Office will be organizing in late 2005 a workshop in Kabul on truth-seeking and reconciliation, in line with the national transitional justice action plan. Leading up to that workshop, country-wide consultations will take place to ensure that the views and opinions of different sections of Afghan society are heard and taken into account in arriving at the most suitable mechanism to help Afghans acknowledge and respond to the needs of victims, deal with past crimes, undertake institutional reform and move forward with nation-building on a more solid foundation. A mapping exercise and report prepared by my Office and shared with the President and AIHRC in January 2005 is an initial contribution towards the development of a comprehensive historical record of what happened during the periods of conflict, as envisioned in the action plan. The mapping report may also prove useful in the efforts to vet, from a human rights perspective, nominations for public office positions. My Office will support Government endeavours in this respect.

IV. Situation of women

37. The situation of women in Afghanistan has improved only in certain respects in the post-Taliban period. Government policy towards women has changed significantly for the better and women's participation in the electoral process is welcomed.[1] Also, women have a much greater presence in the paid workforce, particularly in the cities,[2] and the increased enrolment of women and girls in schools and universities has been well documented. However, the stark reality is that women in Afghanistan, especially outside of Kabul and urban areas, and particularly among the poor, are generally still viewed as the property of men. The mistreatment of women in Afghanistan has deep roots which will require determined efforts to overcome. The fact that some women are speaking out against the violence perpetrated against them is nonetheless encouraging.

38. Widespread and persistent human rights violations against women and girl children that the Government still needs to address are as follows.

A. Forced/early marriages[3]

39. Women (and men) are commonly forced into accepting the marriage partners chosen for them by their families, and widows can only marry the brother or cousin of the deceased husband. Girls as young as 7 years of age are made to marry much older men, sometimes 30-40 years older. This happens for different reasons: they are sold off by their families to obtain bride money to settle debts or to ease the burden of the family, or they are given away as compensation in the settlement of disputes, particularly blood disputes, as determined through informal justice mechanisms. Girls are also married off to "protect" them from being raped by or forcibly married to warlords and local commanders and girls, even unborn ones, are also promised to other families to maintain friendly relations or as a gift for assistance provided to the family.

40. There are regular reports of cases of self-immolation (85 by AIHRC this year) that are partially attributed to child and forced marriages. In some instances, failed attempts at murdering girls and women by immolation have been alleged to be suicide attempts.

B. Crimes against the person

41. These include murder in the name of honour, trafficking and prostitution, abduction, rape and other sexual and domestic violence suffered at the hands of various power-holders, including husbands and male relatives. Women who go against their traditional roles of daughter, wife and mother, be they political candidates, human rights activists and defenders or students, also have to endure sexual harassment and other threats and intimidation.

C. Discrimination in the justice system

42. Access to justice for women is lacking. The minority of women willing to report the crimes perpetrated against them risk being ignored, accused of committing sexual offences, detained arbitrarily, tried unfairly and/or returned to the husbands or families responsible for the crimes. Offenders are rarely prosecuted for crimes against women, and any sentences handed down are light or of no consequence. The testimony of women is not given due weight as compared to that of men even where the latter are the accused. Moreover, customary law denies justice to women. Women are detained for violating social mores and as substitutes for their husbands or male relatives who have been convicted of crimes.

43. Specific cases that reflect the various human rights violations described above include the abduction of a 12-year-old girl by a 20-year-old neighbour who was alleged to have repeatedly raped her. Both were charged with adultery and, although an agreement was reached for their release on condition that they marry, they have not been released as the girl's father demands a girl from the other family in compensation, in accordance with tradition. In Badakshan, a woman was beaten and hanged to death by her relatives as a result of a decision by local mullahs and elders who ordered her to be killed by stoning for the crime of adultery.

44. Many of the initiatives taken by the Government at the policy level, with the support of other international and national actors including UNIFEM and UNDP, are expected to gradually improve the human rights situation for women. These efforts include the development and eventual implementation of the National Action Plan for Women following the Beijing Platform for Action and the establishment of an inter-ministerial task force on combating violence against women. Notable as well is the Coordination Cooperation Commission which looks into the issue of safe houses for women. AIHRC continues to conduct workshops on the Convention on the Elimination of All Forms of Discrimination against Women, Islam and women, and the role of women in social and political affairs.

45. Commendable efforts by officials to help change society's perception of women and their position in the community at regional and local levels include the appointment of the first female governor in Bamiyan, the opening of a driving school for women and the appointment of women as heads of department (other than in the Department of Women's Affairs) in Herat and the establishment shuras

constituted by women, providing a forum for discussion of women's health, education and welfare, in Panjsher, Logar and also in Herat.

V. Situation of children

A. Child labour, child kidnapping, child trafficking

46. Many children are deprived of education as they are forced to work, even as young as 6 years old, in labour-intensive sectors or to beg on the city streets in order to provide for the family. Child labourers are also at risk of being used for drug trafficking or kidnapped for forced labour and sexual exploitation. It is believed that many Afghan children remain at risk of exploitation, and that child kidnapping and trafficking cases are greatly underreported. Many families are now too afraid to allow their children to go to school.

47. The Child Protection Action Network and the Committee to Counter Child Trafficking led by the Ministry of Labour and Social Affairs (MoLSA) are responsible for the situation of children in Afghanistan. Since the approval by the Cabinet of the National Plan of Action to Combat Child Trafficking, among the steps taken by the Government include the issuance of a presidential decree in July 2004.[4] Last year, 211 victims of child trafficking were intercepted and rescued by the police as a result of this decree. AIHRC continues to conduct workshops on the Convention on the Rights of the Child.

B. Child soldiers

48. Children, especially those from 14 to 17 years old, have been recruited and trained as soldiers during the war by different factions. Military forces have reported that Taliban militants in the south, south-east and east of the country continue to recruit young boys, forcing some families to provide a son to serve in their ranks.

49. A demobilization and reintegration programme led by UNICEF has seen a total of 4,756 child soldiers demobilized since the beginning of 2004. Around 8,000 child soldiers are expected to participate in the programme, according to UNICEF. Following a community reintegration approach, other war-affected children such as street or working children, internally displaced children and child returnees will also benefit from the programme. The reintegration programme includes the promotion of educational activities, a skills training and employment programme and livelihood support.

C. Children in detention

50. Children as young as 11 years old can be arrested and imprisoned in Afghanistan for minor crimes such as theft, and once arrested, they are sometimes detained with adults in prison. Some of these children go through the justice system without having proper legal representation. AIHRC reported that 625 children are detained at juvenile correction centres. Conditions of detention fall below international minimum standards in the majority of the juvenile centres in

Afghanistan. It is also common to see infants and children being detained in prison with their mothers, who have been incarcerated for crimes.

51. With the new Afghan Juvenile Code 2005, which incorporates provisions of the Convention on the Rights of the Child, the age of criminal responsibility has been raised from 7 to 12 years old. It is illegal to impose a life sentence or the death penalty on a convicted child under the Juvenile Code. A child is no longer allowed to be detained in the same lock-up as adults and must be granted the right of a defence counsel and interpreter once detained. The trial of a juvenile offender shall be conducted by a juvenile court, which shall be established in all provincial capitals.

D. Right to education

52. A significant push to increase primary school enrolments has raised the enrolment of boys to 67 per cent and girls to almost 40 per cent. However, school enrolment among Afghan girls remains among the lowest in the world, with less than 10 percent of girls enrolled in secondary school. Disparities in enrolment between urban and rural areas remain stark. Among the reasons for the low school enrolment in rural areas are insufficient learning spaces that are close to home and inadequate teachers, in terms of both quality and quantity, especially among female teachers. Families are reluctant for safety and cultural reasons to allow girls to go to school. Girls also leave school to help their mothers who have become widows and also when they marry and/or have children.

VI. Electoral environment

53. Around 6,200 candidates, including 629 women, were initially nominated for the parliamentary and provincial elections scheduled for September 2005. According to UNAMA-AIHRC reports,[5] there is a broad perception that the electoral process is taking place against a backdrop of intimidation and violations of political rights. This perception is shaped by recollections of past abuses carried out by local strongmen who continue to wield influence and the existence of candidates accused of having committed human rights violations and criminal acts.

54. The goal of disarming 60,000 ex-combatants belonging to the Afghan military forces was achieved by the disarmament, demobilization and reintegration process. The disbandment of illegal groups process is a follow-on programme to disband illegal militia who remain armed. During the vetting of candidates the Electoral Complaints Commission provisionally excluded 208, requiring them to fully disarm and sever links to armed groups by participating in this programme. After adjudicating 1,144 challenges and following up on the implementation of the requested disarmament, the Commission excluded 17 candidates from the final list, 11 of them identified as still linked to an unofficial armed group. The fact that the vast majority of the provisionally excluded candidates were restored led to disillusionment with the process. Further candidates may nonetheless be disqualified by the Commission for breaching the electoral law.

55. The increasing anti-Government attacks continue to serve as the greatest impediment to the exercise of political rights in the south-east and south of the

country and have already resulted in a number of injuries and casualties, including the killing of three candidates, four pro-Government religious leaders and three electoral workers.

56. While women were mobilized and encouraged to register by their communities and families to support candidates in the elections, ambivalence continues in the society with regard to women public figures. Female candidates, particularly independents, have problems raising the amount of money required for campaigning. Women exercising their political rights are particularly vulnerable to violence, social restrictions and limited access to information as well as mobility restrictions. On a positive note, during the latest registration process the percentage of women registered in some of the more traditional areas of the country was higher, especially in the south and south-east.

VII. Economic, social and cultural rights

A. Impact of poverty

57. According to the *National Human Development Report 2004*, Afghanistan is the seventh poorest nation in the world. One of the main causes of poverty is the denial of human rights through discrimination, marginalization, unequal access to education, health or other resources, socio-cultural traditions that restrict women's opportunity as well as corruption within the Government. Those who are living in poverty are often vulnerable to further human rights violations such as deprivation of adequate food, shelter, health care and education. Poverty is further entrenched by the weakness of institutional governance and insecurity, which in turn affect investments that could have provided more job opportunities.

58. A rights-based approach to poverty reduction provides for a more transparent, inclusive and participatory process and is empowering by ensuring that programmes are accountable to the people who are their targets. One of the more successful programmes aimed at increasing sustainable livelihood opportunities and community empowerment is the Afghan National Solidarity Programme.

B. Right to work

59. The main reasons for high unemployment in Afghanistan are discrimination based on gender, disability and ethnic grounds, lack of job opportunities or economic activities, and the lack of required skills and qualifications. Some of the main challenges faced in the areas of employment and economic growth in Afghanistan are the lack of entrepreneurial skills, knowledge and technology, lack of an enabling environment, lack of support services and lack of access to capital and financial services.

60. ILO in Afghanistan seeks to build the capacity of the Government, employers and workers' organizations and provides technical assistance to MoLSA, which includes assistance in implementing the National Skills Development Programme, in promoting employment opportunities for disabled persons, and assistance with the revision of the 1987 Afghan Labour Code.

C. Access to health care

61. Owing to the exceptionally high maternal mortality rates in Afghanistan, UNICEF recently declared a state of acute emergency for the women and children. About 20 per cent of Afghan children die before their fifth birthday and about 1,600 out of every 100,000 Afghan mothers die while giving birth or because of related complications. UNICEF has estimated that 700 children below the age of 5 die each day and 80 per cent of these deaths are due to preventable diseases. Women in Afghanistan are 60 times more likely than women in developed countries to die from pregnancy-related conditions. The life expectancy of Afghans is 44.5 years (with a healthy life expectancy at birth of only 33.4 years) and with men living longer than women.

62. WHO reported that one third of the health professionals are concentrated in the province of Kabul, where only 7 per cent of the population live. However, according to the Ministry of Public Health (MoPH), a basic package of health services is presently available across 77 per cent of the country geographically. The lack of female doctors means that rural women continue to be deprived of basic health care as they are too ashamed or not allowed by their spouses or male guardians to be treated by male doctors. Insecurity in the country has also prevented many women, especially those in rural areas, from travelling outside their homes to seek health care.

63. Thirty-one persons are reported to be living with HIV/AIDS in Afghanistan although MoPH has estimated that the actual number could be between 600 and 7,000. One in five people suffers from mental health problems. The opportunities for psychosocial support are almost non-existent.

64. According to a 2004 report by the Government, only 23 per cent of the people have access to safe water and only 12 per cent have access to adequate sanitation. Children are most at risk.

D. Housing and land rights

65. The inability to manage land and property issues in a fair and equitable manner is an ongoing issue impinging upon the enjoyment of the right to property as described in article 40 of the Constitution and other related rights. Insecurity of land ownership is due to many factors, including the ambiguity of legislation promulgated by successive regimes, the lack of clear policies for land allocation by the Government, contending urban master plans enacted by municipalities, and the general lack of capacity of significant institutions such as the Ministry of Agriculture and the law courts. In Afghanistan, judicial officials simultaneously arbitrate disputes and act as land administrators by issuing and validating title documents and maintaining ownership records. The judiciary is frequently accused of corruption in property cases. Consequently, the majority of land and property disputes are mediated by the non-formal justice sector. The authorities have failed to implement the recommendations of a Government-established independent commission to regularize land ownership in Shirpur village in Kabul and to prosecute officials involved in the unlawful transactions which resulted in forced evictions. Residents still living there remain under threat of forced eviction by

powerful landlords who have illegally appropriated land at below market rates since 2003.

66. The unequal distribution of land in Afghanistan is combined with a situation where land is often insufficient to meet subsistence requirements. Vulnerable groups such as households headed by women, nomadic peoples, internally displaced persons as well as returnees, among others, are at a distinct disadvantage in obtaining security of tenure, in addition to access to pasturelands and water. An underlying system of discrimination based on socio-economic status further reinforces their vulnerability. The establishment of the Special Property Disputes Resolution Court in 2002 tasked with resolving property disputes involving returned refugees attempted to redress this inequality; however, disputes continue to be addressed by the district and provincial courts and through Afghan customary law, not always to a returnee's advantage.

VIII. Other vulnerable groups

A. Rights of persons with disabilities

67. It is estimated that there are 2 million people living with disabilities in Afghanistan; 84 per cent are believed to be unemployed and only 25 per cent are disabled as a result of war, either by direct participation in the war or as a result of landmines. As a result of prenatal complications such as malnourishment, insufficient medical facilities, pregnant wife-beating and drug addiction, children are increasingly being born with physical and mental defects.

68. Persons with disabilities continue to be deprived of equal access to public places and there are no facilities for the blind and hearing impaired in schools; these serve to further marginalize persons with disabilities. A growing number of disabled persons have begun to show their dissatisfaction with the Government's lack of effort in improving their welfare through demonstrations organized by disabled people's organizations. Many of those who are disabled as a result of participation in the war feel that they have not been given sufficient attention despite having fought for the country.

69. The mandate of the Ministry of Martyrs and Disabled (MMD) has been expanded to include new policies to safeguard the best interests and protect the rights of all disabled persons, regardless of the cause of their disability. An intergovernmental policy working group has been established at MMD to draft policies on disability issues. While it is encouraging that the Government appears to be taking a more rights-based approach in its policies related to persons with disabilities, until these policies take effect, the rights of disabled persons to an adequate standard of living must nonetheless be ensured. AIHRC has developed a three-year action plan on the protection and promotion of the rights of persons with disabilities which includes capacity-building, data collection, and public awareness and advocacy programmes aimed at enhancing the rights of the disabled.

B. Refugees, returnees and internally displaced persons

70. Since 2002, approximately 4 million Afghan refugees have returned, including about 2.7 million from Pakistan. Following return, they are faced with challenges of reintegration and re-establishing livelihoods. By and large, the problems faced by returnees are not very different from those faced by the rest of the population, as discussed elsewhere in this report. The following issues do, however, appear to affect returnees more than others in the given context.

1. Land and housing

71. Returnees find greater obstacles in seeking to reclaim their land or property. Problems range from small disputes over property, often between members of an extended family, to multiple ownership titles as well as illegal occupation and confiscation of property by others. Problems of landlessness and lack of housing facilities pose a significant challenge to sustainable returns.

2. Women

72. Many of the women returnees bring back a better education than is generally available to women in Afghanistan and the experience of an environment with fewer restrictions and greater employment opportunities for women. Some therefore encounter difficulties after return owing to the contrast with their previous lives in the countries of asylum.

3. Documentation

73. Educational or academic qualifications received in countries of asylum are not always recognized by Afghan authorities, making it harder for students, teachers, health professionals and the like to obtain entry into schools, universities and the workforce.

74. At the beginning of 2002, there were an estimated 1 million internally displaced persons (IDPs). At the end of 2004, it is reported about 130,000 persons remain displaced. While the IDP population cuts across all ethnic groups, the majority of them are Pashtuns, including those displaced from the north-west by persecution, and Kuchis, a nomadic group. The remaining IDPs are largely concentrated in Zhare Dasht, Panjwai and Maiwand in the south and in Maslakh in the west. These settlements of IDPs are supported by the Government and international agencies.

75. More favourable climatic conditions, the positive impact of disarmament, changes in the administration and an expansion of the national army and police forces have had a positive impact on the human rights situation in the areas of origin of IDPs, leading to increased opportunities for return. The situation of the IDPs has generally stabilized and many have attained self-reliance, although human rights abuses perpetrated by local commanders such as illegal taxation, forced recruitment and illegal land occupation remain a problem in some areas.

76. UNHCR works alongside the Ministry of Refugees and Repatriation in providing assistance and facilitating solutions to refugees, returnees and IDPs with the support of many other international and national actors. A lot more needs to be done to enable further returns and the sustainability of these returns.

C. The Kuchi

77. The Afghan National Vulnerability Programme identifies the nomadic Kuchis as one of the five most vulnerable groups. Article 14 of the Constitution obliges the State to implement effective programmes for "improving the economic, social and living conditions" of nomads as well as adopting "necessary measures for housing and distribution of public estates to deserving citizens". Those obligations have yet to be fulfilled. The Kuchis fled persecution in late 2001 after the overthrow of the Taliban. They lost their livestock and pastures in the drought that began in 1999 and became the largest single group of displaced persons in Afghanistan.

78. Kuchi representatives claim that the Government has failed to honour its commitment to provide them with adequate political representation, mobile schools for their children, clinics and potable water.

IX. Capacity-building of the Afghanistan Independent Human Rights Commission and non-governmental organizations

A. Afghanistan Independent Human Rights Commission

79. AIHRC, which has developed in the past three years into a functional organization with 11 offices and more than 400 staff across the country, has become increasingly effective in promoting and protecting the human rights of Afghans across the country, especially those of women, children and the more at-risk population. Its programmes also include monitoring, investigation of complaints and incidents, human rights education and transitional justice. Recently, it has begun a programme to address the needs of people with disabilities. AIHRC consistently issues public reports and statements on the human rights situation in Afghanistan.

80. OHCHR, together with UNAMA and UNDP, have continued to support AIHRC through a joint technical cooperation project that has been extended to the end of 2005. The programme provides a range of advice and technical services. Since April 2005 UNHCR has been working with AIHRC on monitoring the human rights situation, particularly in areas with significant levels of refugee and IDP returns.

81. Two female and two male AIHRC staff members have been selected to participate in two training programmes on the prevention of conflict and the prevention of torture organized by OHCHR and other project partners for national human rights institutions of the Asian-Pacific Region as part of a global project to strengthen the capacities of these institutions through distance and regional training.

B. Non-governmental organizations

82. As local NGOs remain hampered by a lack of capacity and financial and technical support, my Office plans to build their capacities so as to create a more dynamic and vocal civil society that can play its proper and important role in the protection and promotion of human rights.

X. Conclusions and recommendations

A. Conclusions

83. **The holding of parliamentary elections is one of the final benchmarks in the Bonn process. However, the political achievements, although crucial, are not a full measure of progress towards a society in which human rights are respected and protected. No matter how many elections are held in Afghanistan, the people will not be able to enjoy their human rights until the rule of law is a fact, impunity is a feature of the past, State institutions are credible and effective, and women are treated equally with men. Enjoyment of human rights is a key indicator of the transition of a nation from a state of armed conflict to one of peace and stability.**

84. **The Government is commended for all the accomplishments it has achieved and, together with the international community, it needs to continue making bold strides in human rights. All the Afghan people must also be empowered, be they men or women, abled or disabled, or members of one or another ethnic group, to enable them to assert and claim their rights; only then human rights are more readily respected, protected and fulfilled.**

B. Recommendations

1. General

85. **The Government and the international community should protect the rights of civilians who are affected by the continuing armed conflict in parts of the country, in accordance with international human rights and humanitarian law.**

2. Rule of law and the administration of justice

86. **The international community should continue giving support for reform and the strengthening of the judicial sector, including reform of the Supreme Court and the Office of the Attorney General, merit-based recruitment and training of judicial officers, and rehabilitation of the infrastructure.**

87. **International human rights standards should be applied in practice in the formal and non-formal justice sector.**

88. **The Government should expand the recruitment of women judicial officials and create conditions that facilitate women's ability to perform their functions, particularly in provincial capitals.**

89. **There should be a concerted inter-ministerial programme to address issues of land and property reform, with particular emphasis on vulnerable groups, households headed by women, nomadic peoples, internally displaced persons and returnees, among others.**

90. **The Government, with the support of the international community, should establish a mechanism to address intimidation and violence against members of the judiciary as well as witnesses.**

91. **The Government and the international community should ensure that the treatment of those arrested in anti-terrorists operations is fully in accordance with international human rights and humanitarian standards.**

92. **The Government and the Coalition Forces should also provide access to AIHRC, in addition to ICRC, to all detention facilities for the purpose of monitoring the conditions and legality of detentions.**

93. **The international community, including the United Nations, should support the Government in realizing its commitment to implement and report on its international human rights treaty obligations.**

3. Transitional justice

94. **The Government should implement the National Action Plan for Transitional Justice.**

95. **The international community should contribute materially and through political support to transitional justice measures, including addressing impunity.**

96. **The Government should refrain from appointing persons who have violated human rights to any public positions and should institute appropriate mechanisms to ensure that known human rights violators are not able to hold public office.**

4. Situation of women

97. **The international community should support the Government in eradicating violence against women and encourage a concerted campaign to address violence against women, both through educational and legal measures.**

98. **The Government and the international community should support initiatives of women's organizations to end violence against women and the establishment of shelters.**

99. **The Government should improve women's access to justice, including reform of legislation to comply with international human rights standards.**

100. **The international community should support the establishment of a network of defence lawyers specializing in women's issues with the aim of providing legal defence in each provincial capital.**

5. Situation of children

101. **The Government and the international community should take steps to prevent forcible or involuntary recruitment of child soldiers.**

102. **The Government should increase efforts to ensure that children, particularly girls, are able to attend school and that the percentage of girls attending secondary school is increased.**

6. Economic, social and cultural rights

103. The Government and the international community should implement a human rights-based approach to addressing social and economic issues, including attaining the Millennium Development Goals.

104. The Government and the international community should improve the human rights situation of disabled people through the reform of the Ministry of Martyrs and Disabled, and other programmes.

7. Capacity-building of AIHRC and NGOs

105. The international community, including the United Nations, should continue to support AIHRC.

106. The international community should support initiatives to strengthen civil society groups, with particular emphasis on NGOs promoting human rights and women's rights.

107. The international community should support a dedicated programme to monitor the justice system through national and international NGOs.

Notes

[1] Out of approximately 12 million voters registered for the parliamentary elections, 42 per cent are women and women make up almost 10 per cent of the candidates for the elections, numbering 577.

[2] According to available estimates, women make up 30 per cent of the agricultural sector, 17 per cent of the non-agricultural sector and 20 per cent of the civil service.

[3] According to available estimates, child marriages make up 43 per cent of all marriages and 23 per cent of all women who are married or in union are between 15 and 19 years of age.

[4] This decree provides for capital punishment for child traffickers. In 2003, the Commission on Human Rights called on the Afghan authorities to declare a moratorium on the death penalty in light of procedural and substantive flaws in the Afghan judicial system.

[5] Upon request of the Government and endorsed by the Berlin Conference, AIHRC and UNAMA jointly verify the exercise of political rights during the electoral process. The exercise was launched in 2004 for the presidential elections. Three reports were published in 2004 and three more in 2005.